

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

STATE OF MISSISSIPPI; STATE OF
ALABAMA; STATE OF ARKANSAS;
COMMONWEALTH OF
KENTUCKY; STATE OF
LOUISIANA; STATE OF MISSOURI;
and STATE OF MONTANA,

Plaintiffs,

v.

Case No. 1:22-cv-113-HSO-RPM

XAVIER BECERRA, in his official
capacity as Secretary of Health and
Human Services; THE UNITED
STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
CHIQUITA BROOKS-LASURE, in her
official capacity as Administrator of the
Centers for Medicare and Medicaid
Services; THE CENTERS FOR
MEDICARE AND MEDICAID
SERVICES; THE UNITED STATES
OF AMERICA,

Defendants.

CONSENT MOTION FOR ENTRY OF AGREED PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26, Plaintiff States move for entry of the attached Agreed Protective Order and state as follows:

1. Under Rule 26, Plaintiffs and Defendants have agreed to the attached Agreed Protective Order. Ex. 1.
2. On April 10, 2024, this Court entered a scheduling order. Doc. 136. The order permits “third party discovery limited to the issue of standing.” *Id.*

3. Plaintiffs later gave notice of intent to serve third-party subpoenas. Docs. 156, 157, 158. The following third parties were served:

- a. Hospital Medicine Associates LLC
- b. Paragon Contracting Services LLC
- c. Alabama Post-Acute Medical Services 1 PC
- d. ACS Emergency Services of Mississippi Professional Association
- e. Hospital Physician Services – Southeast Professional Corporation
- f. ACS Primary Care Physicians – Midwest
- g. Kentucky Post-Acute Medical Services 1 PSC
- h. ACS Primary Care Physicians Louisiana PC
- i. Emergency Services of Montgomery PC
- j. Inpatient Consultants of Alabama, Inc.
- k. IPC Pac Healthcare Services of Missouri, Inc.
- l. Southeastern Emergency Physicians of Memphis LLC
- m. Inpatient Consultants of Alabama, Inc.
- n. Hospital Medicine Services of Tennessee PC

4. The Agreed Protective Order applies to those third parties.

5. Plaintiffs request that the Court enter the Agreed Protective Order so that the third parties may produce information as part of third-party discovery. The Order will preserve the confidentiality of certain information that the third parties contend contains private, commercially sensitive, confidential, or proprietary information.

6. Defendants consent to this motion.

7. Because Defendants consent to this motion, Plaintiffs request that the requirement for a memorandum in support be waived.

8. The Agreed Protective Order complies with Local Rule 26(g). Ex. 1 ¶9.

Accordingly, Plaintiffs request that this motion be granted and that the Court enter the attached Agreed Protective Order.

Dated: June 12, 2024

Respectfully submitted,

s/ Justin L. Matheny

Justin L. Matheny (MS Bar No. 100754)

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s/ Cameron T. Norris

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CERTIFICATE OF SERVICE

I e-filed this notice with the Court, which will email everyone requiring service.

Dated: June 12, 2024

s/ Cameron T. Norris